SUPREME COURT, U. S.

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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1966.

No. 870.

ROBERT B. CURTIS, WILLIAM L. CLAY, REV. CHARLES PERKINS, LUCIEN RICHARDS, NORMAN R. SEAY,

Petitioners,

vs.

WILLIAM BOEGER, Warden, St. Louis City Jail,

Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit.

RESPONDENT'S BRIEF IN OPPOSITION.

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STATEMENT OF THE CASE.

Petitioners' Statement of the Case is so erroneous and misleading that Respondent is required to set forth his own Statement of the Case. Petitioner has filed no printed record but has filed the transcript of the state court proceedings.

Petitioner Curtis, at all times hereinafter mentioned, was the President of the St. Louis Committee of Racial Equality, commonly referred to as CORE.

On August 14, 1963, petitioner Curtis directed a letter to the Jefferson Bank and Trust Company, which he signed, "Chairman of CORE", which stated:

> "As a result of our conversation last week and the report given by Rev. Charles Perkins and me, the St. Louis Committee of Racial Equality voted to take direct action against Jefferson Bank if four full-time Negroes are not hired in clerical or teller positions within two weeks" (See Appendix A).

CORE held a meeting on Sunday, August 25, 1963, at which time the members voted to take "direct action" against the bank (Tr. 965). The decision of CORE was published in the daily newspapers. Petitioner Curtis, as president of CORE, announced that the direct action might consist of a sit-in, a stand-in, or a walk-in at the bank so as to interfere with the business of the bank.

On August 27, 1963, the bank rejected CORE'S demand that it hire four Negro employees as demanded by the Curtis letter. The bank's letter (Appendix B) stated that it did not need four additional employees; that it did not have applications from four qualified Negroes; that it was unwilling to discharge other employees to make room for four Negro employees, and that to do so would in itself be discrimination in violation of applicable law. This letter also pointed out that the bank officials had learned that CORE planned a sit-in, stand-in, and lie-in at the bank on Friday, August 30, 1963, and requested that CORE refrain from such action.

On August 29, 1963, the bank, in a verified petition, requested the Circuit Court of the City of St. Louis to issue a restraining order. Named as defendants were eleven individual defendants, including each of the petitioners herein, individually and as representatives of a class known as St. Louis Committee of Racial Equality.

The Honoroble Michael J. Scott, presiding judge of the division wherein the cause was assigned, while authorized to issue a temporary restraining order on a verified petition, *ex parte,* called Mr. Charles R. Oldham, an attorney and one of the named defendants, who appeared in Court on that date and, in a chambers conference on that date, entered his appearance in the suit on his own behalf and on behalf of several of the other named defendants. Mr. Oldham advised the Court that there was to be a meeting of CORE that evening and that he would relate to the members the fact that the bank had asked for a temporary restraining order and injunction, and that he would explain the legal significance of this action to the members of CORE. This he did (Tr. 1132). After hearing Mr. Oldham's explanation, the members of CORE at this meeting held on the evening of August 29, 1963, voted to blockade the bank (Tr. 1159).

Judge Scott, on being informed by Mr. Oldham in his chambers on August 29, 1963, that CORE was to have a meeting that evening and that Mr. Oldham would explain the pending suit wherein the Jefferson Bank and Trust Company had requested a temporary restraining order and injunction, deferred a decision on issuing the temporary restraining order until Friday, August 30, 1963, at ten o'clock A. M. On Friday, August 30, 1963, at ten o'clock A. M., Mr. Oldham again appeared accompanied by attorney Raymond Howard and informed Judge Scott that they could give no assurance to him that the action sought to be prevented by the suit would be avoided at a demonstration which had been scheduled to take place at the Jefferson Bank and Trust Company that afternoon at four o'clock P. M.

Judge Scott issued a temporary restraining order, restraining only unlawful interference with the business of the bank (Appendix C). No restraint was asked against peaceful picketing or any other free speech rights and no

restraint was imposed. The order issued by Judge Scott was handed to attorney Raymond Howard, who had entered his appearance for several of the named defendants, at 1:55 o'clock P. M., August 30, 1963. Prior to the issuance of the restraining order by the Court, Jefferson Bank and Trust Company was required to post a bond in the sum of Ten Thousand Dollars ($10,000.00) which was posted and approved by the Court prior to the issuance of the temporary restraining order.

The threatened actions restrained were set out in the temporary restraining order delivered to Mr. Howard as follows:

(a) "Physically hindering, obstructing, interfering with, delaying, molesting, or harassing other persons desiring to enter plaintiff's banking premises, from entering said premises for the purpose of conducting their business with plaintiff or for any other purpose."

(b) "Congregating or loitering individually or in groups inside plaintiff's banking premises and therein engage in any acts, or conduct of whatsoever character which interferes with, intimidates, harasses, hinders and annoys plaintiff's employees in the performance of their duties or other persons in the conduct of their business with plaintiff which in any way interferes with the proper and normal conduct of plaintiff's banking business."

(c) "Physically hindering, obstructing, interfering with, intimidating or in any other manner preventing customers or plaintiff and other members of the public from having the usual and customary access to teller's windows located in plaintiff's banking premises or access to any other department or portion of said banking premises wherein plaintiff conducts its banking business."

On the afternoon of August 30, 1963, at approximately four o'clock P. M., a crowd of more than one hundred persons under the direction of petitioner Curtis, assembled at the Wheatley Y. W. C. A. (Tr. 1148), and marched to the Jefferson Bank and Trust Company carrying placards, and sang and picketed around the bank until around 5:05 or 5:10 o'clock P. M., at which time a meeting was held on a parking lot adjacent to the bank premises (Tr. 1062), which was attended by each of the petitioners herein.

Petitioner Curtis presided at this meeting and introduced attorney Raymond Howard, who had been present in the Court on behalf of several of the petitioners early that same day and advised them of the issuance of the temporary restraining order and its legal significance. He urged them not to violate the restraining order because in so doing they would be subjecting themselves to possible fines and imprisonment (Tr. 1423). Petitioner Curtis then called for a show of hands of all those persons who were willing to violate the restraining order notwithstanding the possibility of punishment. All persons present raised their hands except attorney Raymond Howard who had advised against violating the restraining order (Tr. 1067). When the meeting dispersed following the vote, demonstrators went immediately to the doors of the bank and stood in front of the doors, linked arms, blocked egress and ingress of customers and employees of the bank, and sat in front of the doors of the bank with locked arms (Tr. 1070).

At 5:25 or 5:30 o'clock P. M., the demonstrators entered the bank. They milled around inside the bank (Tr. 45). They congregated in front of the teller's cages. They sang loudly and clapped hands in unison. They sat down and laid down on the floor of the bank. They refused to leave the bank.

While the demonstrators were inside the bank, an officer of the bank read the temporary restraining order to

the demonstrators who stopped their demonstration long enough to hear him read the order (Tr. 48), but after he read the order and asked them to leave (Tr. 511) the bank and they continued their demonstration and did not leave the bank.

At approximately 5:50 o'clock P. M., petitioner Curtis entered the bank, secured the demonstrators' attention and announced, "We will stay here until six o'clock and then we will go to the Wheatley Y. W. C. A." (Tr. 52). (Banking hours were from eight o'clock A. M. to six o'clock P. M. on the date in question.)

The record shows that each of the petitioners was served with a copy of the temporary restraining order prior to the time of their meeting on the parking lot; Clay (Tr. 1156); Curtis (Tr. 1176); Perkins (Tr. 1199); Richards (Tr. 1204), and Seay (Tr. 1171).

While the Court did issue a body attachment for the petitioners on August 31, 1963, following the aforedescribed demonstration at the bank, this attachment was effectively dissolved by the St. Louis Court of Appeals in its order granting a Writ of Habeas Corpus to the petitioners on September 3, 1963. This action is not referred to by the petitioners in their brief to the Court. The contempt trials of the petitioners were held pursuant to notice properly served on them in compliance with Missouri law on September 18, 1963. The trial of the petitioners was commenced on September 23, 1963, only after a plethora of competent counsel had entered their appearance on behalf of the petitioners and announced that they were ready for the trial. The trial of the petitioners took nine (9) days, and thirty-six (36) witnesses testified as to the conduct of the petitioners.

Petitioners, when requested whether or not they wished to present any evidence on their behalf, introduced into

evidence over the objections of the Special Prosecutor, depositions of the petitioners, which had been taken in the injunction suit subsequent to the issuance of the temporary restraining order and prior to the trial of the petitioners.

On October 24, 1963, the Honorable Michael J. Scott of the Circuit Court of the City of St. Louis, rendered judgment against the petitioners as follows:

SENTENCES.

Name	City Jail	Fine
Robert B. Curtis	270 days	$1,000.00
William L. Clay	270 days	$1,000.00
Rev. Charles Perkins	180 days	$ 500.00
Lucien Richards	90 days	$ 500.00
Norman Seay	90 days	$ 500.00

After judgment was pronounced by Judge Scott, the petitioners filed a Petition for Writ of Habeas Corpus with the St. Louis Court of Appeals. That Court made a review of the record of the trial Court including a considerable quantity of a television sound film which had been received in evidence in the trial Court. This Court made its own analysis of the conduct of the petitioners. **Curtis v. Tozer,** 374 S. W. 2d 557, pp. 578, 79 and 80. It then upheld the judgment of the trial Court against the petitioners. The decision of the St. Louis Court of Appeals was adopted by the Supreme Court of Missouri, *en banc,* on habeas corpus application filed with that Court by the petitioners (Petitioners' Appendix C).

Petitioners applied to the United States District Court, for the Eastern District of Missouri, Eastern Division, for a Writ of Habeas Corpus which was refused by that Court. **In re Curtis' Petition,** 227 F. Supp. 438. On an appeal which was expeditiously heard by the United States Court

of Appeals for the Eighth Circuit, that Court remanded to the District Court, "to consider whether the issues sought to be raised here are such as to call for a hearing. **Townsend v. Sain**, 372 U. S. 293," **Curtis v. Boeger**, 331 F. 2d 675.

After reviewing the record and hearing the arguments of counsel for the petitioners, the United States District Court for the Eastern District of Missouri, Eastern Division, Division Number 3, filed its opinion on March 31, 1965. **Curtis v. Boeger**, 240 F. Supp. 475. There was no evidentiary hearing. Petitioners' request for a review by this Court is for their conviction for criminal contempt in violating the temporary restraining order which was issued by the State Trial Court on August 30, 1963. Their participation was the first of what could fairly be characterized as three major demonstrations at the bank in violation of the restraining order on August 30, 1963, October 4, 1963 and October 11, 1963. Each demonstration resulted in a separate contempt trial of the participants which have been jointly reviewed by the Appellate Courts of Missouri and the United States District Court and the United States Court of Appeals for the Eighth Circuit. Appellants Louis Ford et al., in Case No. 18011 in the United States Court of Appeals for the Eighth Circuit (**Ford v. Boeger**, 362 F. 2d 999) failed to file a petition for Writ of Certiorari with this Court within the time allowed and have been ordered to surrender themselves to the United States Marshal for return to State authority (Appendix D). Appellants Michela Grand et al., in Case Number 18033 in the United States Court of Appeals for the Eighth Circuit, have filed a separate Petition for Writ of Certiorari with this Court which is docketed as No. 871, October term, 1966.

POINTS AND AUTHORITIES.

I.

Certiorari should be denied petitioners on their claim that the temporary restraining order which they were charged with disobeying is in violation of their first and fourteenth amendment rights.

Yakus v. U. S. (1943), 321 U. S. 414, 444;
Whitney v. California (1926), 274 U. S. 357, 362-63;
Ford v. Boeger (1966), 362 F. 2d 999, 1007;
Pritchard v. Downie (1964), 326 F. 2d 323.

II.

Certiorari should be denied petitioners because the United States Court of Appeals for the Eighth Circuit has correctly ruled that neither the National Labor Relations Act, 29 U. S. C. A., § 151 et seq., nor the Norris LaGuardia Act, 29 U. S. C. A., § 101 et seq., prevented the issuance by the state court of a temporary restraining order to prohibit the conduct complained of.

U. S. v. United Mineworkers of America (1947), 330 U. S. 258;
U. S. v. Shipp (1906), 203 U. S. 563;
Weber v. Anheuser-Busch, Inc. (1955), 348 U. S. 468, 480-81;
Allen-Bradley Local v. Wisconsin Employment Relations Board (1941), 315 U. S. 740;
American Dredging Co. v. Local 25 (1964), 338 F. 2d 837, 850-56; cert. den. 380 U. S. 935.

Statute.

Norris LaGuardia Act, 29 U. S. C. A., § 101 et seq.

III.

Certiorari should be denied petitioners on their claim of denial of sixth amendment rights in not having a jury trial for criminal contempt.

Cheff v. Schnackenberg (1966), 384 U. S. 373;
U. S. v. Barnett (1964), 376 U. S. 681;
Yakus v. U. S., supra;
Whitney v. California, supra.

IV.

Certiorari should be denied petitioners on their claim that the appointment of the bank's attorney as special prosecutor denied them their constitutional rights under the Fifth Amendment.

McCann v. New York Stock Exchange et al. (1935, C. C. 2d Cir.), 80 F. 2d 211;
Osborne v. Purdome (1952), 244 S. W. 2d 1005;
Ex parte Howell (1918), 273 Mo. 96, 200 S. W. 65;
Curtis v. Tozer (1964, Mo. App.), 374 S. W. 2d 557.

ARGUMENT.

I.

Certiorari should be denied petitioners on their claim that the temporary restraining order which they were charged with disobeying is in violation of their first and fourteenth amendment rights.

Petitioners make no showing to this Court that they ever raised any First Amendment claim in the District Court. The Court of Appeals held that this issue was not fairly or adequately raised, **Ford v. Boeger**, supra, 1007. Matters not fairly raised and considered in the trial court cannot be for the first time raised on appeal. **Yakus v. U. S.**, 321 U. S. 414, 444; **Whitney v. California**, 274 U. S. 357, 362-63.

The temporary restraining order which was served on each of the petitioners prior to the demonstration of August 30, 1963, was explained to them by their lawyer prior to their acts (Tr. 1423). The St. Louis Court of Appeals, in its opinion denying relief to the petitioners, had this to say about said explanation of the order:

> "The evidence is that Howard (their attorney) specifically explained that to block the doors, enter the bank and sit or lie in the bank, to sing or otherwise interfere with business of the bank was a violation of the restraining order." 374 S. W. 2d 557, 581.

The evidence shows petitioners actually voted to defy the restraining order with full knowledge of the possible consequences (Tr. 1067). The restraining order is set out herein as Appendix C. It contains no free speech limitations. The Court of Appeals properly held that petitioners' conduct was well beyond protected free speech. **Ford v. Boeger**, supra, 1007. See also **Pritchard v. Downie**, 326 F. 2d 323.

II.

Certiorari should be denied petitioners because the United States Court of Appeals for the Eighth Circuit has correctly ruled that neither the National Labor Relations Act, 29 U. S. C. A., § 151 et seq., nor the Norris-La Guardia Act, 29 U. S. C. A., § 101 et seq., prevented the issuance by the state court of a temporary restraining order to prohibit the conduct complained of.

Petitioners claim that as members of CORE which was demanding that a St. Louis, Missouri, bank employ four Negroes within two weeks on threat of "direct action" (Appendix A), they are exempt from the State Court action by the National Labor Relations Act, 29 U. S. C. A., § 151 et seq. This claim is not well founded.

While the Court of Appeals below assumed for the purposes of brevity in its opinion that CORE was a "labor organization" within the meaning of the Act, it properly decided the case without deciding this issue. CORE's demand on the Bank for the employment of four Negroes in two weeks was an illegal demand as was pointed out to CORE in the Bank's letter of August 27, 1963 (Appendix B), and judicially determined by the St. Louis Court of Appeals in its decision. **Curtis v. Tozer**, supra, p. 594, and the United States District Court in **In re Curtis' Petition**, supra, 457. Illegal demands have not received the protection of the pre-emption theory of the Act even when made by bona fide labor organizations. **Adams Dairy, Inc. v. Burke**, Mo. 1956, 293 S. W. 2d 281, cert. den. 352 U. S. 969.

This Court has frequently held that much authority is left to the states to prevent violence, intimidation, coercion and property damage when threatened by even a labor organization.

In **Weber v. Anheuser-Busch, Inc.**, 348 U. S. 468, 480-81, the Court states:

"By the Taft-Hartley Act, Congress did not exhaust the full sweep of legislative power over industrial relations given by the Commerce Clause. Congress formulated a code whereby it outlawed some aspects of labor activities and left others free for the operation of economic forces. As to both categories, the areas that have been preempted by federal authority and thereby withdrawn from state power are not susceptible of delimitation by fixed metes and bounds. Obvious conflict, actual or potential, leads to easy judicial exclusion of state action. Such was the situation in **Garner v. Teamsters Union**, *supra*. But as the opinion in that case recalled, the Labor Management Relations Act 'leaves much to the states, though Congress has refrained from telling us how much'. 346 U. S., at 488. The penumbral area can be rendered progressively clear only by the course of litigation . . ."

To like effect, see **San Diego Unions v. Garmon**, 359 U. S. 236, 240-241; **International Association of Machinists v. Gonzales**, 356 U. S. 617, 619; **Garner v. Teamsters Union**, 346 U. S. 485, 488.

In **Allen-Bradley Local v. Wisconsin Employment Relations Board**, 315 U. S. 740, the Court held that the National Labor Relations Act did not preclude state action restraining mass picketing, obstructing entrances and egress from the employer's factory and obstructing public roads and threatening injury to employees desiring to work. The Court states:

"We agree with the statement of the United States as *amicus curiae* that the federal Act was not designed to preclude a State from enacting legislation limited to the prohibition or regulation of this type of employee or union activity. The Committee Reports on the federal Act plainly indicate that it is

not 'a mere police court measure' and that authority of the several States may be exerted to control such conduct. Furthermore, this Court has long insisted that an 'intention of Congress to exclude States from exerting their police power must be clearly manifested'. . . ." 315 U. S. 740, 748-49.

The record in this case is clear. The activities sought to be restrained and prohibited are clearly within the scope of the authority of the state court to restrain and prohibit **even if** CORE occupied the status of "labor organization". The "labor dispute" pre-emption claim of the petitioners is wholly without merit.

Petitioners seem to believe that the cases where state action has been permitted in "labor disputes" is where violence occurred before the injunction was issued by the state court. While this is an easy criterion for a court to follow, it need not be the only one. The Court is entitled to issue its order to maintain the *status quo* while it determines its jurisdiction and authority and this order must be obeyed in the interim. He who fails to obey acts at his peril. **United States v. Shipp,** 203 U. S. 563; **United States v. United Mine Workers of America,** 330 U. S. 258.

Petitioners seem also to believe that their conduct in directing activities which prevented entrance and egress to the Bank by blocking doors and the blocking of the windows in the Bank did not warrant the state court from exercising its jurisdiction. Petitioners' charge that the Bank claimed an unfair labor practice under Section 8 of the Act is totally without record foundation or factual support. The Bank was seeking and obtained state court protection from the illegal interference with its business (see Appendix C).

Petitioners fail to recognize the state's primary responsibility to preserve law and order. That the Norris-

LaGuardia Act applies only to federal courts has been clearly established. **American Dredging Co. v. Local 25**, 338 F. 2d 837, 850-56; cert. den. 380 U. S. 935.

The Court of Appeals properly held that the state court had jurisdiction to maintain the *status quo* by the issuance of the restraining order prayed for by the Bank. Petitioners state that the Court below misapplied the doctrine of **U. S. v. Mineworkers**, *supra.* They cite for their authority **In Re Green's Petition**, 369 U. S. 689, and **Ex Parte George**, 371 U. S. 72. While they point out that the **Green** case involved a "labor dispute" they seem unaware that the undisputed facts in their case preclude any finding of a "labor dispute" and the courts have properly held that none exists. The **George** case merely holds that Texas law does not permit contempt convictions for violation of a temporary injunction when there is no jurisdiction in the issuing court.

It appears that Petitioners now attempt to obtain "labor organization" status for CORE. While this determination is not necessary to the determination of this case, it should be pointed out that at the time of the occurrence of the acts resulting in their conviction for criminal contempt, the City of St. Louis and the State of Missouri had Fair Employment Practices Acts and if petitioners really believed the charges they made against the Bank, they had adequate recourse through a legal administrative process established by the State of Missouri (Chapter 296, V. A. M. S.) and the City of St. Louis, Missouri (Ordinance 51512, November 29, 1962, Ch. 482, Revised Code, City of St. Louis). These procedures were never followed by the Petitioners. They chose to take the law into their own hands even when an adequate remedy existed for any legitimate grievances. They cannot now claim federal labor law protection for their unlawful acts.

III.

Certiorari should be denied petitioners on their claim of denial of sixth amendment rights in not having a jury trial for criminal contempt.

Petitioners claim denial of the Sixth Amendment right to trial by jury. They acknowledge that at no time did they request a jury trial. Only Petitioners Curtis and Clay received sentences beyond those considered "petty" by the Court in **Cheff v. Schnackenberg**, 384 U. S. 373. Each of them received sentences of 270 days in the City Jail. The Court of Appeals held that the **Cheff** case was based on the supervisory authority of this Court over the federal courts and not on the Sixth Amendment. There has been no known application of this limitation to state courts by the federal judiciary. Courts have traditionally been clothed with the contempt power so as to compel obedience to their lawful decrees and this power is applied with equal force to state governors and communists. **U. S. v. Barnett**, 376 U. S. 681; **Green v. U. S.**, 356 U. S. 164.

Petitioners make no showing that, even if the **Cheff** case should apply to state courts as a Sixth Amendment guarantee by way of the Fourteenth Amendment, it is retroactive. The **Cheff** case was not decided by this Court until July, 1966, and it is clear from the record that the judgments against the petitioners were final in 1963, or at the very latest at the time of the decision by the St. Louis Court of Appeals. **Curtis v. Tozer**, *supra*, at p. 557 (January 15, 1964).

The jury trial issue was not fairly raised or presented either in the state courts or in the District Court by the Petitioners. The Court of Appeals found and the record disclosed that Petitioners were represented by numerous competent counsel. **Ford v. Boeger**, *supra*, at p. 1007.

They cannot now raise the jury issue for the first time on appeal. **Yakus v. U. S.**, *supra*; **Whitney v. California**, *supra*. Furthermore, Petitioners have failed to show that this matter was timely raised as required by Supreme Court Rule 23.

IV.

Certiorari should be denied petitioners on their claim that the appointment of the bank's attorney as special prosecutor denied them their constitutional rights under the Fifth Amendment.

When the petitioners and others failed to obey the temporary restraining order issued by the state court, the judge appointed the Bank's attorney as a special prosecutor for the State of Missouri to present evidence of the violations. The Court of Appeals held that this matter was fairly heard and determined by the State Court on appeal although the trial court record is without a single objection to the Bank's lawyer presenting the evidence of contempt. It was only after the trials and convictions that Petitioners complained. As was pointed out by the opinion of the St. Louis Court of Appeals (**Curtis v. Tozer**, *supra*, at 584) it is the better practice to appoint the attorney for a party who has knowledge of the contempt. See also **McCann v. New York Stock Exchange, et al.** (C. C. 2d Cir.), 80 F. 2d 211, where Judge Learned Hand said:

> "* * * the court may proceed *sua sponte* without assistance of any attorney, as in the case of disorder in the courtroom; there can be little doubt about the kind of proceeding when that is done. But the judge may prefer to use the attorney for a party, who will indeed ordinarily be his only means of information when the contempt is not in his presence. There is no reason why he should not do so, and every reason why he should; * * *."

Missouri law provides for the appointment of private attorneys for criminal contempt proceedings. **Osborne v. Purdome,** 224 S. W. 2d 1005; **Ex Parte Howell,** 200 S. W. 65.

The edited newspaper articles presented in footnotes were not presented to the District Court or the State Courts and cannot here be considered for the first time on appeal.

Petitioners also claim they were deprived of their 5th Amendment right not to testify against themselves as a result of the introduction into evidence of certain admissions made by them in depositions taken in the injunction proceeding and prior to the contempt trial. They fail to point out (1) they were represented at the depositions by several competent counsel and freely testified and (2) their counsel offered into evidence their entire depositions (Tr. 1550). They cannot find even a thin thread on which to tie this claim.

The unsupported claims of the petitioners cannot be relied on for relief. Direct evidence must be required. The record is silent because there is no support for the many groundless and imaginary claims lumped into this claim of constitutional unfairness.

CONCLUSION.

Petitioners fail to present any reasons why this Court should grant a review on writ of certiorari. They fail to state any important question of federal law which has not been but which should be decided by this Court. They fail to cite any departure from accepted judicial standards by a lower court which calls for the exercise of this Court's power. They fail to show that the State Courts decided any federal question in a way so as to conflict with any decision of this Court. They fail to show any federal court decision in this case which is in conflict with any decision of this Court. They fail to show that the Court of Appeals'

decision in any way conflicts with the decisions of any other Court of Appeals.

Petitioners failed to raise or fairly present the issues they now urge as the basis for seeking this Court's review.

Petitioners' convictions for criminal contempt by the State Court were based on state law. The procedures followed in obtaining these convictions complied in every respect with proper constitutional safeguards. There exists no grounds for the granting of a writ of certiorari and hence Petitioners' request should be denied.

Respectfully submitted,

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